

HOUSE BILL 598

E3
HB 1108/09 – JUD

2lr2156
CF SB 414

By: **Delegates McComas, Afzali, Clippinger, Frush, Kach, McDonough,
B. Robinson, Sophocleus, Stocksdales, and Vitale**

Introduced and read first time: February 6, 2012

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2012

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Law – Taking Child into Custody – Arrest Warrant**

3 FOR the purpose of authorizing ~~a law enforcement officer to take a child into custody~~
4 ~~with an arrest warrant issued by the court~~ an intake officer of the Department
5 of Juvenile Services, after conducting a certain inquiry, to file with a court an
6 application for an arrest warrant prepared by a law enforcement officer;
7 providing certain requirements relating to an application for an arrest warrant
8 under this Act; providing that an arrest warrant under this Act may only be
9 issued by the court on a finding of probable cause; requiring an arrest warrant
10 issued under this Act to direct the law enforcement officer to take immediate
11 custody of the child who is the subject of the warrant; making a certain
12 conforming change; and generally relating to the authority of a law enforcement
13 officer to take a child into custody.

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 3–8A–14
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2011 Supplement)

19 BY adding to
20 Article – Courts and Judicial Proceedings
21 Section 3–8A–14.1
22 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2006 Replacement Volume and 2011 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – Courts and Judicial Proceedings**

5 3–8A–14.

6 (a) A child may be taken into custody under this subtitle by any of the
7 following methods:

8 (1) Pursuant to an order of the court;

9 (2) By a law enforcement officer pursuant to the law of arrest ~~OR AN~~
10 ~~ARREST WARRANT ISSUED BY THE COURT;~~

11 (3) By a law enforcement officer or other person authorized by the
12 court if the officer or other person has reasonable grounds to believe that the child is
13 in immediate danger from the child's surroundings and that the child's removal is
14 necessary for the child's protection; ~~or~~

15 (4) By a law enforcement officer or other person authorized by the
16 court if the officer or other person has reasonable grounds to believe that the child has
17 run away from the child's parents, guardian, or legal custodian; OR

18 **(5) IN ACCORDANCE WITH § 3–8A–14.1 OF THIS SUBTITLE.**

19 (b) If a law enforcement officer takes a child into custody, the officer shall
20 immediately notify, or cause to be notified, the child's parents, guardian, or custodian
21 of the action. After making every reasonable effort to give notice, the law enforcement
22 officer shall with all reasonable speed:

23 (1) Release the child to the child's parents, guardian, or custodian or
24 to any other person designated by the court, upon their written promise to bring the
25 child before the court when requested by the court, and such security for the child's
26 appearance as the court may reasonably require, unless the child's placement in
27 detention or shelter care is permitted and appears required by § 3–8A–15 of this
28 subtitle; or

29 (2) Deliver the child to the court or a place of detention or shelter care
30 designated by the court.

31 (c) If a parent, guardian, or custodian fails to bring the child before the court
32 when requested, the court may issue a writ of attachment directing that the child be
33 taken into custody and brought before the court. The court may proceed against the
34 parent, guardian, or custodian for contempt.

1 3-8A-14.1.

2 (A) AFTER AN INQUIRY CONDUCTED IN ACCORDANCE WITH § 3-8A-10
3 OF THIS SUBTITLE, AN INTAKE OFFICER MAY FILE WITH THE COURT AN
4 APPLICATION FOR AN ARREST WARRANT PREPARED BY A LAW ENFORCEMENT
5 OFFICER.

6 (B) AN APPLICATION FOR AN ARREST WARRANT UNDER THIS SECTION
7 SHALL BE:

8 (1) IN WRITING;

9 (2) SIGNED AND SWORN TO BY THE LAW ENFORCEMENT OFFICER;
10 AND

11 (3) ACCOMPANIED BY AN AFFIDAVIT THAT SETS FORTH THE
12 BASIS FOR THERE BEING PROBABLE CAUSE TO BELIEVE THAT:

13 (i) THE CHILD WHO IS THE SUBJECT OF THE WARRANT HAS
14 COMMITTED A DELINQUENT ACT; AND

15 (ii) UNLESS THE CHILD WHO IS THE SUBJECT OF THE
16 WARRANT IS TAKEN INTO CUSTODY, THE CHILD:

17 1. IS LIKELY TO LEAVE THE JURISDICTION OF THE
18 COURT;

19 2. MAY NOT BE APPREHENDED;

20 3. MAY CAUSE PHYSICAL INJURY OR PROPERTY
21 DAMAGE TO ANOTHER; OR

22 4. MAY TAMPER WITH, DISPOSE OF, OR DESTROY
23 EVIDENCE.

24 (C) AN ARREST WARRANT REQUESTED UNDER SUBSECTION (A) OF THIS
25 SECTION MAY ONLY BE ISSUED BY THE COURT ON A FINDING OF PROBABLE
26 CAUSE AND SHALL DIRECT THE LAW ENFORCEMENT OFFICER TO TAKE
27 IMMEDIATE CUSTODY OF THE CHILD.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2012.